

STATUS: Effective

POLICY NUMBER: Waste-069-NPD

SUBJECT: Independent Closure Process Guidance

AUTHORIZED: Bruno Pigott, Commissioner

SUPERSEDES: New

ISSUING OFFICE(S): Office of Land Quality, Petroleum Branch, Petroleum Remediation Section

ORIGINALLY EFFECTIVE: August 8, 2020

RENEWED/REVISED: N/A

Disclaimer: This Nonrule Policy Document (NPD) is being established by the Indiana Department of Environmental Management (IDEM) consistent with its authority under [IC 13-14-1-11.5](#). It is intended solely to provide guidance and shall be used in conjunction with applicable rules or laws. It does not replace applicable rules and laws, and if it conflicts with these rules or laws, the rules or laws shall control. Pursuant to [IC 13-14-1-11.5](#), this policy will be available for public inspection for at least 45 days prior to presentation to the appropriate State Environmental Board, and may be put into effect by IDEM 30 days afterward. If the nonrule policy is presented to more than one board, it will be effective 30 days after presentation to the last. IDEM also will submit the policy to the Indiana Register for publication.

1.0 PURPOSE

This Nonrule Policy Document provides guidance on the independent closure process for low-threat petroleum releases.

2.0 SCOPE

This Nonrule Policy Document applies to petroleum contamination in soil and/or ground water that remains within the boundaries of the property where the release occurred and adjacent right of way(s).

3.0 SUMMARY

Experience shows that economic and technical resources available for environmental investigation and remediation are limited, and these resources must be preserved for mitigation of releases posing a greater threat to human health and environmental receptors. The Independent Closure Process is designed to allow an underground storage tank owner/operator/property owner and/or responsible person (O/O/P and/or RP) to conduct investigation and remediation for low-threat petroleum spills and releases with minimal IDEM oversight. IDEM conducts quality assurance audits on release documentation when the release is reported to IDEM, 60 days after the release is confirmed, and at closure. IDEM will issue a No Further Action letter to the O/O/P and/or RP upon satisfaction of the Independent Closure Process requirements.

4.0 DEFINITIONS

4.1. "Closure" – IDEM's written recognition that a party has demonstrated attainment of remediation objectives in a particular area. The written instrument for this decision varies by remedial program (see the Remediation Program Guide, 2012).

4.2. "Conceptual Site Model" – A comprehensive description of a site and the processes by which contamination may move from source(s) to receptor(s).

4.3. "Consultant" – Conducts investigation and remediation work and communicates with IDEM. Provides documents to IDEM on behalf of the O/O/P and/or RP.

4.4. "Environment" – The complex of physical, chemical, and biologic factors that include land, fish, wildlife, biota, air, water, ground water, drinking water supplies, and other similar natural resources, as defined in [IC 13-11-2-137](#), that act upon an organism or ecological community.

4.5. "Environmental Restrictive Covenant" – Has the meaning set forth in [IC 13-11-2-193.5](#).

4.6. "Ground water" – Has the meaning set forth in [IC 25-39-2-10](#).

4.7. "Institutional Controls" – Administratively or legally enforceable measures that limit human exposure to chemicals of concern that exceed applicable closure levels; institutional controls do not involve engineered solutions.

4.8. "No Further Action Letter" – Has the meaning set forth in [329 IAC 7.1-2-9](#).

4.9. "On-site" – Has the meaning set forth in [329 IAC 7.1-2-11](#).

4.10. "Owner or Operator" – Regarding petroleum facilities, has the meaning set forth in [IC 13-11-2-151](#).

4.11. "Petroleum" – Has the meaning set forth in [IC 13-11-2-160](#).

4.12. "Petroleum Facility" – Has the meaning set forth in [IC 13-11-2-161](#).

4.13. "Receptor" – A human and/or ecological entity exposed to a stressor.

4.14. "Release" – Has the meaning set forth in [IC 13-11-2-184](#)(a) and/or [IC 13-11-2-184](#)(b).

4.15. "Residential Land Use" – Use of any property as a place of residence or for residential activities, such as a daycare center. Agriculture is considered a residential land use.

4.16. "Responsible Person" – Has the meaning set forth in [IC 13-11-2-192](#)(a).

4.17. "Screening Level" – A chemical-specific concentration level that IDEM has determined to be sufficiently protective at any site, provided it is applied under appropriate land use scenarios.

4.18. "Underground Storage Tank" – Has the meaning set forth in [IC 13-11-2-241](#).

5.0 ROLES

5.1. The Consultant shall:

- Represent the UST owner/operator/property owner and/or responsible person (O/O/P and/or RP).
- Prepare closure documentation or other documents for a site on behalf of an O/O/P and/or RP.
- Coordinate activities with the IDEM OLQ Project Manager to achieve closure of a site, if necessary.
- Submit plans, data, and documents as required by the Independent Closure Process Guidance.
- Perform investigatory or remediation work.
- Complete and sign the Independent Closure Process Completion Form.

5.2. The IDEM OLQ Petroleum Remediation Section Project Manager shall:

- Receive, evaluate, and provide comments on documents associated with the investigation, remediation, and closure of a site.
- Prepare correspondence to the O/O/P and/or RP and Consultant that communicates the status of the remediation project.
- Conduct meetings with the O/O/P and/or RP and/or the Consultant to discuss approaches to the remediation or closure of a site, if necessary.
- Conduct site visits as requested or necessary to view the nuances of the site.
- Ensure all pertinent documents are correctly loaded into the Virtual File Cabinet for storage. IDEM's Virtual File Cabinet is available at <https://www.in.gov/idem/legal/2363.htm>.

5.3. The Owner, Operator, Property Owner, and/or Responsible Person shall:

- Comply with applicable notification rules in [329 IAC 9](#).
- Hire a Consultant to prepare documents to present to the Project Manager regarding the site.
- Respond in a timely manner to all requests for information from the IDEM OLQ Project Manager.
- Provide data, maps, or records to the IDEM OLQ Project Manager that reflect site conditions.
- Sign and notarize the Independent Closure Process Completion Form.

6.0 POLICY

Download the complete Independent Closure Process Guide from:
(https://www.in.gov/idem/tanks/files/icp_guidance.pdf).

1. Introduction

2. Release Prioritization and Eligibility
3. Steps in Independent Closure Process
 - a. Notification of Release and Release Prioritization by IDEM
 - b. Responsible Party Notification by IDEM
 - c. Release Investigation
 - d. Remediation
 - e. Requests for Closure
 - f. Institutional Controls and Environmental Restrictive Covenants
 - g. Closure Approval and Issuance of No Further Action Letter
4. IDEM Quality Assurance Auditing
5. Document Submittal Guidelines

7.0 REFERENCES

- 7.1. Indiana Statutes:
 - A. [IC 13-11-2-193.5](#)
 - B. [IC 13-14-2-6](#)
 - C. [IC 13-23-13-4](#)
 - D. [IC 13-23-13-5](#)
 - E. [IC 13-23-13-8](#)
 - F. [IC 13-24-1-2\(b\)](#)
 - G. [IC 13-24-1-4](#)
- 7.2. Indiana Administrative Code:
 - A. [329 IAC 7.1](#)
 - B. [329 IAC 9](#)
- 7.3. Agency Policies:
 - A. Remediation Closure Guide
 - B. Remediation Program Guide
 - C. Independent Closure Process Guidance

8.0 SIGNATURES


Bruno Pigott, Commissioner
Indiana Department of Environmental Management

2/25/20
Date


Peggy Dorsey, Assistant Commissioner
Office of Land Quality

2/17/20
Date


Nancy King, Assistant Commissioner
Office of Legal Counsel and Criminal Investigations

3/19/20
Date

This policy is consistent with Agency requirements.


Dawn Parry
Quality Assurance Program, Planning and Assessment
Indiana Department of Environmental Management

2/26/2020
Date

Posted: 08/26/2020 by Legislative Services Agency
An [html](#) version of this document.